

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON BRYAN MARTIN,

Defendant.

CR 12-61-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on August 5, 2015. Defendant admitted he had violated the Preamble to the Standard Conditions of his supervised release by committing new crimes, he had violated Standard Condition 7 of his supervised release by possessing drug paraphernalia, and he had violated Special Condition 9 of his supervised release by failing to make restitution payments as required. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of seven months, with 29 months of supervised release to follow. He also recommended that the term of supervised release should include 180 days in a Residential Reentry Center.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated the Preamble to the Standard Conditions of his supervised release, Standard Condition 7 and Special Condition 9. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of five to eleven months. A sentence of seven months in custody, followed by 29 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 39) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 31st day of August, 2015.



Brian Morris
United States District Court Judge